

# Exhibit J

JANE NELSON, et al.,  
Defendants,

1 MI FAMILIA VOTA, et §  
2 al., §  
3 Plaintiffs, §  
4 v. § Case No. 5:21-cv-0920-XR  
5 GREG ABBOTT, et al., §  
6 Defendants. §

## ORAL AND VIDEOTAPED DEPOSITION OF

RACHELLE OBAKOJUWA

MARCH 21, 2023

## ORAL AND VIDEOTAPED DEPOSITION OF RACHELLE

16 OBAKOJUWA, produced as a witness at the instance of the  
17 Defendants and duly sworn, was taken in the above styled  
18 and numbered cause on Tuesday, March 21, 2023, from  
19 3:51 p.m. to 6:44 p.m., before DONNA QUALLS, Notary  
20 Public in and for the State of Texas, reported by  
21 computerized stenotype machine, at the offices of Harris  
22 County Attorney's Office, 1019 Congress Street, 15th  
23 Floor, Houston, Texas, pursuant to the Federal Rules of  
24 Civil Procedure, and any provisions stated on the record  
25 or attached hereto.

1 Q. So why do you think the rejection rate was  
2 higher in November 2022 than in the past elections shown  
3 here?

4 MS. HUNKER: Objection; form.

5 A. SB1 has brought challenges to mail voting that  
6 were not part of any of the other elections --  
7 elections.

8 MS. PAIKOWSKY: I think I am ready to pass  
9 the witness.

10 EXAMINATION

11 BY MS. HOLMES:

12 Q. Good afternoon. My name is Jennifer Holmes,  
13 and I represent the -- and now I have a microphone.

14 Good afternoon. My name is Jennifer  
15 Holmes, and I represent the HAUL plaintiffs in this  
16 case. Thank you for bearing with us today.

17 You testified earlier that your office had  
18 engaged in increased efforts to recruit election  
19 workers; is that correct?

20 A. Yes.

21 Q. And I believe you also testified that there was  
22 some relation between SB1 and difficulty in retaining  
23 election workers; is that correct?

24 A. Yes.

25 Q. And what is the relationship between SB1 and

1 the difficulty retaining election workers?

2 A. After SB1, we received a lot of phone calls  
3 from election workers that, particularly judges, that  
4 they were concerned at the way that laws were being  
5 written that make it more challenging for them where  
6 they would be concerned that they could do something  
7 wrong. And so they -- we had a lot more declines,  
8 people declining to work for those reasons.

9 Q. Okay. And specifically for the November 2022  
10 election, can you quantify the number of people that  
11 declined to work?

12 A. There were almost 600 people that declined to  
13 work, 600 judges that declined to work Election Day in  
14 November 2022.

15 Q. And do you know how many of those election  
16 judges, those 600, declined and cited reasons as part of  
17 the reason SB1?

18 A. I couldn't quantify that.

19 Q. Have any election judges who declined to work  
20 or are concerned about working communicated what  
21 specifically about SB1 raises concerns?

22 A. That poll watchers at the voting location can  
23 be a challenge to work with and that they don't know  
24 when they are doing something that would get them in  
25 trouble with a poll watcher.

1 Q. And in connection with the November 2022  
2 election, what instructions did you give election  
3 workers at those training concerning where poll watchers  
4 are permitted to move around within polling places?

5 A. They are permitted -- we instructed them that  
6 they are permitted to move around anywhere in the  
7 polling place that -- they are not allowed to inspect a  
8 voter's ballot unless an election worker is assisting  
9 that worker.

10 Q. Okay. And did you provide any instructions  
11 about how -- whether or not a poll watcher is permitted  
12 to, say, stand behind a voter who is at -- at a voting  
13 booth?

14 A. Not that granular other than just stating that  
15 they can't monitor a voter's ballot without an --  
16 without the election worker assisting.

17 Q. Do you have an understanding of whether a poll  
18 watcher can, you know, stand directly behind a voter  
19 who's at a voting booth?

20 MS. HUNKER: Objection; form.

21 A. What my understanding is is that, if a -- if a  
22 poll watcher is monitoring a voter's ballot or close  
23 enough that they are monitoring a voter's ballot, then  
24 that would be an interference or breaking of the policy.

25 Q. (BY MS. HOLMES) And in training election

1 workers, are you given instructions about how close that  
2 would be if a poll watcher would be able to monitor a  
3 voter's ballot?

4 A. No.

5 Q. Do you have an understanding of how close that  
6 would be?

7 A. No.

8 Q. Is there a reason that in the trainings you  
9 don't kind of specify how close a poll watcher could be  
10 to a voter -- sorry. I'll just end the question there.  
11 Let me start over.

12 In the -- in training election workers, is  
13 there a reason why you do not give them instructions  
14 about if there is a distance that a poll watcher must  
15 maintain from a voter who is at a voting booth?

16 A. Two reasons. One is the state doesn't  
17 prescribe a distance. And the second is that the law is  
18 written in a way that tells the election worker not to  
19 interfere with a -- a poll watcher having free movement  
20 in the location.

21 Q. And have any election workers communicated  
22 confusion about how they are supposed to apply that rule  
23 about free movement for poll watchers?

24 A. I'm not sure that they have expressed  
25 confusion, but they have asked about certain situations.

1 Q. Can you give me any examples?

2 A. There was a complaint of a poll watcher that  
3 was too close. They -- the election judge thought the  
4 poll watcher was too close to the voter, that they could  
5 see the voter's ballot. So they called into our help  
6 line who attempted to get the election judge to find out  
7 if the poll watcher was inspecting the ballot.

8 Q. And do you know how that was resolved?

9 A. The judge -- it's my understanding and it  
10 was -- I don't believe this was written in the ticket.  
11 But what would have been procedure would be to tell the  
12 judge to ask the poll watcher.

13 Q. To ask the poll watchers what exactly?

14 A. Right. If they were inspecting the ballot.

15 Q. Okay. Can you describe what a typical setup  
16 looks like in a polling place in Harris County during  
17 the November 2022 election in terms of the placement of  
18 the voting machines?

19 A. It can range.

20 Q. Okay.

21 A. But there is controller where a qualifying  
22 clerk will stand or sit and check in voters. And  
23 attached to that controller is a line of Duos, Duo  
24 voting machines, and they are to be placed in a way  
25 where the cords are underneath the machines and out of